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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,325	05/07/2002	Geoffrey M Jacquez	68007-019	5839

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EXAMINER

JACKSON, JAKIEDA R

ART UNIT PAPER NUMBER

2655

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/030,325	Applicant(s) JACQUEZ, GEOFFREY M	
	Examiner Jakieda R. Jackson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Content of Specification

1. Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-2 and 5-14** are rejected under 35 U.S.C. 102(b) as being anticipated by Thomson (USPN 5,634,051).

Regarding **claim 1**, Thomson discloses a method utilizing a help software program having a plurality of user databases and a knowledge database, the help program working in conjunction with a computer related application for interacting with a user in a natural language format when the user requires assistance in relation to the computer related application (column 3, lines 29-33), said method comprising the steps of;

identifying the user (accepts calls; column 3, lines 51-53),

obtaining an identification code of the identified user (validates their personal identification numbers; column 3, lines 51-53),

searching the user databases to link the identification code with one of the user databases (column 3, lines 51-53),

accessing specific user data related to the identified user from the linked user database (column 3, lines 65-67),

receiving a user's natural language input (column 6, lines 38-42),

interpreting the natural language input (column 6, lines 38-42),

formulating a response by integrating the natural language input from the user with specific user data from the linked user database and data from the knowledge database (column 6, lines 38-42),

submitting the response to the user (presentation of the information to the user; column 3, lines 25-26 and column 7, lines 27-44), and

updating the linked user database with the natural language input and response whereby future responses may refer to the updated linked user database for the identified user (column 8, lines 18-21).

Regarding **claim 2**, Thomson discloses a method wherein the submitting of the response is further defined as submitting a natural language response to interact with the user in a completely natural language conversation (column 4, lines 9-12, column 6, lines 38-42, column 7, lines 42-44 and column 11, lines 11-13).

Regarding **claim 5**, Thomson discloses a method wherein the formatting of the response is further defined as uniquely molding the response to the identified user based upon the specific user data from the linked user database (column 7, lines 27-44).

Regarding **claim 6**, Thomson discloses a method wherein the uniquely molded response is further defined as guiding the identified user to a predetermined result based upon the particular computer application (column 7, lines 27-44).

Regarding **claim 7**, Thomson discloses a method wherein the guiding of the identified user is further defined as assessing the current input by the user against the predetermined result to further mold future responses to the user in order to direct the user toward the desired result (column 4, line 66 – column 5, line 7).

Regarding **claim 8**, Thomson discloses the method further including the step of determining the type of computer related application chosen by the identified user in order to further mold the responses to the user (column 4, lines 9-29).

Regarding **claim 9**, Thomson discloses the method further including the step of accessing specific information about the chosen computer related application and incorporating this information into the response to the user (column 4, lines 9-29).

Regarding **claim 10**, Thomson discloses the method wherein the accessing of the specific user data for identified user is further defined accessing previous inputs and responses for the identified user (column 4, lines 21-29).

Regarding **claim 11**, Thomson discloses the method wherein the accessing of the specific user data for the identified user is further defined as accessing commercial transaction history for the identified user (column 4, lines 21-29).

Regarding **claim 12**, Thomson discloses the method further including the step of accessing a product database, compiling information from the product database, and determining if any of the compiled information should be forwarded to the identified user with the response (column 4, lines 21-29).

Regarding **claim 13**, Thomson discloses a method wherein the help program further includes a trainer and the method further comprises the step of interacting the trainer with the help program to continually update and maintain the knowledge database (column 4, lines 57-60 and column 7, lines 19-21).

Regarding **claim 14**, Thomson discloses a method wherein the step of interacting the trainer with the help program is further defined as initiating the trainer to populate, update and monitor the knowledge database (column 4, lines 13-19 and column 7, lines 19-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 3-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson in view of Noyes (5,379,366).

Regarding **claim 3**, Thomson discloses a method for utilizing help software, but does not specifically include the step of utilizing a natural language simulator to parse the natural language input before the step of interpreting the natural language input.

Noyes discloses a method for representation of knowledge in a computer as a network database system further including the step of utilizing a natural language simulator to parse the natural language input (figure 34, element d) before the step of interpreting the natural language input (figure 34, element e; column 43, lines 4-13 and lines 34-46), to evaluate the input structures recognized by the parsers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomson's method wherein includes the step of utilizing a natural language simulator to parse the natural language input before the step of interpreting the natural language input, to optimize the search paths required to respond to the input expression (column 42, lines 65-68), as taught by Noyes.

Regarding **claim 4**, Thomson discloses a method for utilizing help software, but does not specifically include the step of recording and storing the natural language conversation between the user and the help program in the linked user database.

Noyes discloses a method for representation of knowledge in a computer as a network database system further including recording and storing the natural language conversation between the user and the help program in the linked user database (figure 16; column 5, lines 22-25 and column 9, lines 43-47), to learn through interaction with the system users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomson's method such that it includes the step of recording and storing the natural language conversation between the user and the help program in the linked user database, to learn through interaction with the system users, which allows automatic recognition, storing and utilization of the database (column 1, lines 56-61), as taught by Noyes.

6. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson in view of Dekelbaum et al. (USPN 5,838,682), hereinafter referenced as Dekelbaum..

Regarding **claim 15**, Thomson a method for utilizing help software, but does not specifically include the step of determining the need for human intervention and accessing human intervention in a natural language format such the interaction with the help program and a human representative appears seamless to the user.

Dekelbaum discloses a method and apparatus for establishing communications including the step of determining the need for human intervention and accessing human intervention in a natural language format such the interaction with the help program and a human representative appears seamless to the user (operator interrogates the database; column 15, lines 17-34), to supplement customer transmission.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomson's method such that it includes the step of determining the need for human intervention and accessing human intervention in a natural language format such the interaction with the help program and a human representative appears seamless to the user, to provide information corresponding to session history (column 15, lines 17-24), as taught by Dekelbaum.

7. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson in view of Johnson et al. (USPN 5,978,455), hereinafter referenced Johnson.

Regarding **claim 16**, Thomson discloses a method for utilizing help software, but does not specifically include the step of formulating a pricing plan for the help program based upon the amount of time the user engaged in conversation with the help program.

Johnson discloses a method and system for determining call periods further including the step of formulating a pricing plan for the help program based upon the amount of time the user engaged in conversation with the help program (figure 3 with column 6, lines 41-51), to access billing rate information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomson's method such that it further includes including the step of formulating a pricing plan for the help program based upon the amount of time the user engaged in conversation with the help program, to access billing rate information to decide on a more optimal period, as taught by Johnson (column 6, lines 41-59).


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571.272.7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 1, 2006


**DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
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